

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA**

KENNETH I. EDMONTON, No. CIV S-05-0855-LKK-CMK

Petitioner,

ORDER

STATE OF CALIFORNIA,

Respondent.

Petitioner, a state prisoner proceeding pro se, brings this petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Pending before the court is petitioner's motion for appointment of counsel and for leave to proceed in forma pauperis (Doc. 7).

20 Petitioner initially filed a motion to proceed in forma pauperis on May 2, 2005.
21 That motion, however, was defective in that petitioner failed to answer questions two through
22 seven on the court's form application. On July 1, 2005, the court issued an order advising
23 petitioner of this defect and providing petitioner an opportunity to file a completed application.
24 The order directed the Clerk of the Court to forward to petitioner the court's form application. In
25 response to the court's July 1, 2005, order, petitioner filed a document entitled "Completed In
26 Forma Pauperis Form Per Order of the Court." That document, however, was not accompanied

1 by a completed application on the court's form. Petitioner will be given one additional
2 opportunity to comply with the court's order. Petitioner is warned that failure to comply may
3 result in the dismissal of this petition for lack of prosecution and failure to comply with the
4 court's rules and orders. See Local Rule 11-110.

5 Accordingly, IT IS HEREBY ORDERED that:

6 1. Within 30 days of the date of service of this order, petitioner shall pay the
7 full filing fee for this petition, or submit a completed application to proceed in forma pauperis on
8 the court's form; and

9 2. The Clerk of the Court is directed to forward to petitioner the court's form
10 application to proceed in forma pauperis by a prisoner.

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12 DATED: October 12, 2005.

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15 CRAIG M. KELLISON
UNITED STATES MAGISTRATE JUDGE

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